



Rezoning Review Application Form

Date received:

Reference No.

LODGEMENT

Instructions to users

This form is to be completed if you wish to request an independent review of a request for a planning proposal prior to a Gateway determination being issued.

A Rezoning Review can be sought before a planning proposal has been submitted to the Department of Planning and Environment (Department) for a Gateway determination in the following circumstances:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported; or
b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information1 or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

Before lodging a request for review, it is recommended that you consult the Planning Circular 'Independent reviews of plan making decisions' and 'A guide to preparing local environmental plans', which can be found on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/The-Gateway-Process.

To ensure that your request for review is accepted, you must:

- complete all relevant parts of this form
submit all relevant information required by this form, including the initial fee.
provide one hard copy of this form and required documentation
provide the form and documentation in electronic format (e.g. CD-ROM)

Note: Requests for review will not proceed to initial assessment stage unless the correct fee is provided.

All requests should be lodged with the Department's relevant Regional Office. Please refer to www.planning.nsw.gov.au for contact details.

PART A - APPLICANT AND SITE DETAILS

A1 - Applicant Details

Principal contact

[X] Mr [] Ms [] Mrs [] Dr [] Other

First name

ADAM

Family name

FLOHM

Name of company (N/A if an individual)

ANGUS DEVELOPMENTS PTY LIMITED

Street address: Unit/street no., Street name

Suburb/town, State, Postcode

Postal address (or mark 'as above'): PO Box or Bag, Suburb or town

State, Postcode, Daytime telephone, Fax

Email

adam@angus.net.au

Mobile

0412 950 950

A2 – Site Details

Identify the land that is to be the subject of the planning instrument and for which you seek a review

Unit/street no.	Street name	
<input type="text"/>	<input type="text" value="SEE ANNEXURE 1"/>	
Street address		
Suburb/town	State	Postcode
<input type="text"/>	<input type="text"/>	<input type="text"/>

NAME OF THE SITE

REAL PROPERTY DESCRIPTION

*The **real property description** is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Finance and Services, Land and Property Information. Please ensure that you place a forward slash (/) to distinguish between the lot, section DP and strata numbers. If the proposal applies to more than one piece of land, please use a comma (,) to distinguish between each real property description.*

PROVIDE DETAILS OF ALL AFFECTED LANDOWNERS WHERE THEY ARE NOT THE DIRECT APPLICANT

HAVE ALL OWNERS OF LAND TO WHICH THIS PROPOSED INSTRUMENT APPLIES BEEN NOTIFIED?

- Yes
 No
 Some have but not all
 N/A (Applicant is owner)

Note: If some land owners, but not all, have been notified, list below those notified:

CURRENT ZONING OF THE LAND AT THE SITE

CURRENT LAND USE AT THE SITE

PART B – REASON FOR REVIEW AND THE PLANNING PROPOSAL

B1 – Reason for Rezoning Review and the Relevant Planning Authority (RPA)

Indicate below the reason for seeking a rezoning review. A review can only proceed if either of these two circumstances has occurred.

The council has confirmed in writing that the request to prepare a planning proposal is not supported. Confirmation dated

The council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information² or has failed to submit a planning proposal for a Gateway determination within a reasonable time after the council has indicated its support.

Indicate below whether the request to prepare a planning proposal was submitted to the council prior to November 2012?

- Yes Date:
 No

Note: If you have answered ‘yes’ to the above question, please note that a review can only be sought where the supporting information accompanying the request is less than two years old.

Note: If you have answered ‘no’ to the above question, please note that a review request accompanied by information that is more than 2 years old, may, but will not normally, be considered.

NAME OF THE LOCAL GOVERNMENT AREA

CONTACT DETAILS OF THE RELEVANT OFFICER AT COUNCIL

PETER FAILES – URBAN DESIGN PLANNER

B2 – The Proposed Instrument

DESCRIPTION OF PROPOSED INSTRUMENT

SEE ANNEXURE 2

LOCAL ENVIRONMENTAL PLAN (LEP) TO BE AMENDED BY THE PROPOSED INSTRUMENT

MARRICKVILLE LEP 2011

IS THE LEP TO BE AMENDED (ABOVE) A STANDARD INSTRUMENT LEP?

Yes

No

INFORMATION REQUIREMENTS

A proponent may request a review by writing to the Department and providing the following:

- a completed application form;
- a copy of the proponent's request for the council to prepare and submit a planning proposal for Gateway determination, including all supporting material and information that was submitted to Council (Note: A planning proposal request which has been amended after Council has resolved to not support the matter is not eligible for a Rezoning Review. The revised planning proposal request would need to be submitted to Council as a new planning proposal request);
- all correspondence from the council in relation to the proposed instrument, including (if relevant) a copy of the council's advice detailing why the council did not proceed with preparing a planning proposal;
- all correspondence from other Government agencies, if available, about the proposed instrument;
- proponent's justification to the Strategic and Site Specific Merit tests (refer to Step 2 of the Rezoning Review process as set out in 'A guide to preparing local environmental plans'), to confirm why a review is warranted;
- disclosure of reportable political donations under section 147 of the Act, if relevant; and
- fee for lodging a rezoning review.

INFORMATION PROVIDED

List below all the documents, maps, plans, studies, information and any other supporting information that comprises your proposed instrument and request for rezoning review.

SEE COVERING LETTER

PART C – PAYMENT, DISCLOSURE AND SIGNATURES

C1 – Application Fees

You are required to pay a fee on lodgement of your request. The relevant fee is confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning

Please note that a further fee payment shall be required if a Planning Panel or the Secretary of the Department of Planning and Environment is appointed as an alternate relevant planning authority. Further details can be found within 'A guide to preparing local environmental plans' and the Planning Circular 'Independent reviews of plan making decisions'

Payment methods:

- Cheque / bank order

C2 – Donation and Gift Disclosure

Section 147 of the Environmental Planning and Assessment Act 1979 requires the public disclosure of *reportable political donations* or gifts when lodging or commenting on a *relevant planning application*. This law is designed to improve the transparency of the planning system.

DO YOU HAVE ANY DONATIONS OR GIFTS TO DISCLOSE?

Yes

No

How and when do you make a disclosure?

The disclosure to the Minister or the Director-General of a *reportable political donation* or gift under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning submission if the donation is made before the

submission is made, or

- (b) if the donation is made afterwards, in a statement of the person to whom the relevant planning submission was made within 7 days after the donation is made.

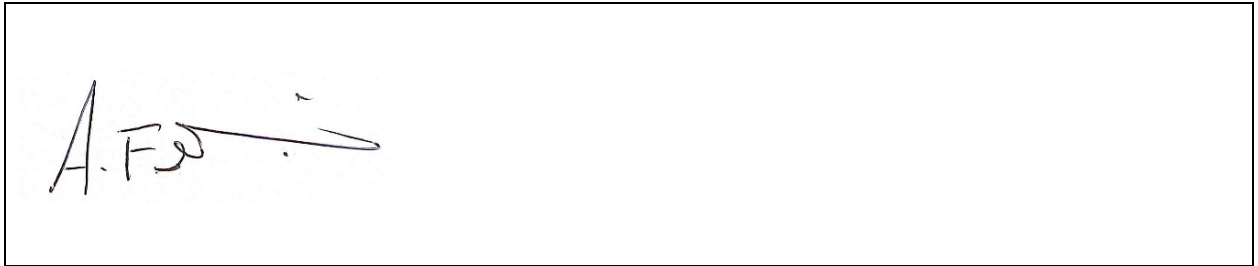
What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act. A Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General can be found on the department's website: www.planning.nsw.gov.au/Assess-and-Regulate/Development-Assessment/Systems/Donations-and-Gift-Disclosure

C3 – Signature(s)

By signing below, I/we hereby declare that all information contained within this application form is accurate at the time of signing.

Signature(s)

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'A. Flohm' with a long horizontal stroke extending to the right.

Name(s)

ADAM FLOHM

In what capacity are you signing

MANAGING DIRECTOR

Date

11 AUGUST 2017

ANNEXURE 1

Address	Lot	DP
480 New Canterbury Road Dulwich Hill	1	236603
478 New Canterbury Road Dulwich Hill	2	236603
476 New Canterbury Road Dulwich Hill	3	236603
474 New Canterbury Road Dulwich Hill	1	540366
	2	540366
472 New Canterbury Road Dulwich Hill	4	542147
470 New Canterbury Road Dulwich Hill	3	542147
468 New Canterbury Road Dulwich Hill	2	542147
466 New Canterbury Road Dulwich Hill	1	542147
26 Hercules Street Dulwich Hill	14	Sec 4 DP 932
28 Hercules Street Dulwich Hill	4	540366
34 Hercules Street Dulwich Hill	7	236603
36 Hercules Street Dulwich Hill	6	236603
38 Hercules Street Dulwich Hill	5	236603

ANNEXURE 2

The planning proposal zoning be altered, with Marrickville Local Environmental Plan (MLEP) 2011 Zoning Maps being amended from IN2 Light Industrial zone to:

- a. **RE1 Public Recreation** zone for the land on the western edge of the site adjacent to the Light Rail line, and the proposed pocket park on the south-eastern corner of the site (or RE2 Private Recreation for any of this land that Council does not agree to take ownership of);
- b. **B5 Business Development** for Nos. 466-480 New Canterbury Road, (excluding the area proposed to be zoned RE1 Public Recreation) and the rear (approximately 9 m) parts of Nos. 26-28 Hercules Street, Dulwich Hill not proposed to be zoned RE1 Public Recreation or RE2 Private Recreation, being Lots 1, 2, 3 and 4 DP542147, Lot 1 DP540366, Lots 1, 2 and 3 DP236603 and rear (approximately 9 m) parts of Lot 4 DP540366 and Lot 14 Section 4 DP932, with an additional permitted use clause applying to such zoned land;
- c. **R4 High Density Residential** for Nos. 34-38 Hercules Street, (excluding the area proposed to be zoned RE1 Public Recreation) and the rear of No. 474 New Canterbury Road fronting Hercules Street, Dulwich Hill, being Lots 5,6 and 7 DP236603 and Lot 2 DP540366; and
- d. **RE2 Private Recreation** for No. 28 Hercules Street, (excluding the area proposed to be zoned B5 Business Development) and the part of No. 26 Hercules Street not proposed to be zoned RE1 Public Recreation or B5 Business Development, Dulwich Hill;

The planning proposal clause wording to be included in Schedule 1 Additional permitted uses be altered to read:

Use of certain land at 466-480 New Canterbury Road and 26-38 Hercules Street, Dulwich Hill

- I. **This clause applies to land at 466-480 New Canterbury Road and 26-38 Hercules Street, Dulwich Hill, being Lots 1, 2, 3 and 4 DP542147; Lots 1, 2 and 4 DP540366; Lots 1, 2, 3, 5, 6 and 7 DP236603; and Lot 14 Section 4 DP932.**
- II. **Development for the following purposes is permitted with consent:**
 - a. **residential flat buildings, as part of a mixed use development, on land zoned B5 Business Development but only if:**
 - i. **any dwelling located on the ground floor will not have frontage to New Canterbury Road;**
 - b. **neighbourhood shops on the land at 478-480 New Canterbury Road, Dulwich Hill, being Lots 1 and 2 DP236603 in Zone B5 Business Development; and**
 - c. **vehicular and pedestrian access, car parking and site facilities on the land at 34-38 Hercules Street and the rear of 474 New Canterbury Road, Dulwich Hill in Zone R4 High Density Residential to service the development on the land at 474-480 New Canterbury Road, Dulwich Hill in Zone B5 Business Development.**

The planning proposal height of building (HoB) be altered, with MLEP 2011 HoB Maps being amended from no height identified to:

- a. **17 metres for Nos. 466-472 New Canterbury Road, the front part of No. 474 New Canterbury Road, 476 New Canterbury Road, the front 7.5 metres of Nos. 478 and 480 New Canterbury Road and the rear (approximately 9 m) part of Nos. 26-28 Hercules Street, Dulwich Hill, being Lots 1, 2, 3 and 4 DP542147, Lot 1 DP540366, Lot 3 DP236603 the front 7.5m of Lots 1 and 2 DP236603, and the rear (approximately 9 m) part of Lot 4 DP540366 and Lot 14 Sec 4 DP932;**
- b. **20 metres for the rear part of No. 474 New Canterbury Road and No. 34 Hercules Street, Dulwich Hill, being Lot 2 DP540366 and Lot 7 DP236603;**
- c. **29 metres for the rear part behind the front 7.5 m of Nos. 478-480 New Canterbury Road, Dulwich Hill, being Lots 1 and 2 DP236603 (excluding the area proposed to be zoned RE1 Public Recreation, which is to have no height control indicated);**
- d. **32 metres for No. 36-38 Hercules Street, Dulwich Hill, being Lots 5 and 6 DP236603 (excluding the area proposed to be zoned RE1 Public Recreation, which is to have no height control indicated); and**
- e. **9.5 metres for the front (approximately 22 m) part of Nos. 26-28 Hercules Street not proposed to be zoned RE1 Public Recreation or B5 Business Development, Dulwich Hill, being the front**

(approximately 22 m) part of Lot 4 DP540366 and Lot 14 Sec 4 DP932 not proposed to be zoned RE1 Public Recreation or B5 Business Development.

The planning proposal floor space ratio (FSR) be altered, with MLEP 2011 FSR Maps being amended from 0.95:1 FSR to:

- a) **3.0:1 for Nos. 466-472 New Canterbury Road and rear (approximately 9 m) part of Nos. 26-28 Hercules Street, Dulwich Hill, being Lots 1, 2, 3 and 4 DP542147, and rear (approximately 9 m) part of Lot 4 DP540366 and Lot 14 Sec 4 DP932;**
- b) **2.2:1 for Nos. 474-476 New Canterbury Road, and No. 34 Hercules Street (excluding the western (approximately 5.5m) part of No. 476 New Canterbury Road and the western (approximately 6.0-7.5m) part of No. 34 Hercules Street), Dulwich Hill, being Lots 1 and 2 DP540366 and Lots 3 and 7 DP236603 (excluding the western (approximately 5.5m) part of Lot 3 DP236603 and the western (approximately 6.0-7.5m) part of Lot 7 DP236603);**
- c) **3.3:1 for Nos. 478-480 New Canterbury Road, the western (approximately 5.5m) part of No. 476 New Canterbury Road, Nos. 36-38 Hercules Street, and the western (approximately 6.0-7.5m) part of No. 34 Hercules Street, Dulwich Hill, being Lots 1, 2, 5 and 6 DP236603, the western (approximately 5.5m) part of Lot 3 DP236603, and the western (approximately 6.0-7.5m) part of Lot 7 DP236603;**
- d) **0.6:1 for the front (approximately 22 m) part of Nos. 26-28 Hercules Street not proposed to be zoned RE1 Public Recreation or B5 Business Development, Dulwich Hill, being the front (approximately 22 m) part of Lot 4 DP540366 and Lot 14 Sec 4 DP932 not proposed to be zoned RE1 Public Recreation or B5 Business Development; and**
- e) **No FSR indicated for the front (approximately 22 m) part of No. 26 Hercules Street, Dulwich Hill, being the front (approximately 22 m) part of Lot 14 Sec 4 DP932, relating to the land proposed to be zoned RE1 Public Recreation for a pocket park on the south-eastern corner of the site.**